

### REMARKS

The non-elected claims have been canceled without prejudice to the Applicant's right to file an appropriate continuing application directed thereto.

The inadvertent omission of claim 60 from the previous amendment is regretted. Since the Examiner considered this claim for examination purposes as being canceled, it is treated as canceled above. The claim, however, has been presented anew as claim 61.

The objection to the specification is based on an arrangement of the specification which is, as the Office Action notes, "preferred" but is not required. Nevertheless, title headings have been added to the specification to the extent appropriate.

All of the prior art rejections in this application are based on a basic misunderstanding of what has been claimed and on this basis are respectfully traversed. As is apparent from the first paragraph on page 4, line 4, Isomalt and isomaltulose have been treated as if they are the exact same material. This is not correct. They are very different substances.

Isomaltulose is a single substance, namely the disaccharide 6-O- $\alpha$ -D-glucopyranosyl-D-fructose. When isomaltulose is hydrogenated, the sugar is converted into a virtually equimolar mixture of 2 alcohols, namely 6-O- $\alpha$ -D-glucopyranosyl-D-sorbital (also known as 1,6-GPS) and the stereoisomeric 1-O- $\alpha$ -D-glucopyranosyl-D-manitol (also known as 1,1-GPM). See, e.g., the Willibald-Ettle reference at column 1. As pointed out toward the bottom of that column, the hydrogenated isomaltulose, namely the mixture of alcohols, is called Isomalt. Thus, isomaltulose is a single

substance, a disaccharide and is thus a sugar and not an alcohol. Isomalt is a mixture of two alcohols.

All of the references on which the rejections in this case are based, namely Barrett, Willibald-Ettle and Cherukuri, are concerned with Isomalt. The only disclosure in any of these references about isomaltulose is only that it is a material from which the Isomalt can be made by hydrogenation. There is, accordingly, no teaching or suggestion in any of these references of a gelatin-free soft caramel containing isomaltulose. It is therefore respectfully submitted that all of the prior art rejections are untenable and should be withdrawn.

In light of the foregoing, it is respectfully submitted that this application is now in condition to be allowed and the early issuance of a Notice of Allowance is respectfully solicited.

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Respectfully submitted,

By   
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